

ESTTA Tracking number: **ESTTA733812**

Filing date: **03/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	A&H Sportswear Co., Inc.
Granted to Date of previous extension	03/16/2016
Address	110 Commerce Way Horsham, PA 18083 UNITED STATES
Attorney information	Andrew B. Katz Belles Katz LLC 721 Dresher Rpad, Suite 1100 Horsham, PA 19044 UNITED STATES akatz@belleskatz.com Phone:215 658 1890

### Applicant Information

Application No	86679575	Publication date	11/17/2015
Opposition Filing Date	03/16/2016	Opposition Period Ends	03/16/2016
Applicant	SH Brand Holdings, LLC 1412 Broadway New York, NY 10018 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Apparel, namely, pants, shorts, shirts, blouses, sweaters, blazers, coats, dresses, jackets, jeans, skirts, slacks, footwear


### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1933826	Application Date	10/14/1993
Registration Date	11/07/1995	Foreign Priority Date	NONE
Word Mark	SLENDERSUIT		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 025. First use: First Use: 1995/06/01 First Use In Commerce: 1995/06/01 swimsuits

U.S. Registration No.	3087945	Application Date	06/19/2002
Registration Date	05/02/2006	Foreign Priority Date	NONE
Word Mark	SLENDERBODY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/02/15 First Use In Commerce: 2006/02/15 Women's, children's and men's leotards;dancewear, namely, tights and unitards;bodywear, namely, body shapers, bodysuits; swimwear; uniforms, active sportswear, namely, shirts, skirts, shorts, pants, leggings, blouses, tops, unitards and undergarments for golfing, skiing, tennis, mountain climbing, kayaking, walking,running, biking and basketball		

U.S. Registration No.	3402233	Application Date	03/05/2004
Registration Date	03/25/2008	Foreign Priority Date	NONE
Word Mark	LOOK SLENDER IN SECONDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2007/12/01 First Use In Commerce: 2007/12/01 Swimwear; shapewear, namely, bodysuits,bodyslips and girdles		

U.S. Application No.	86461253	Application Date	11/21/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SLENDERBODY		

Design Mark	<b>SLENDERBODY</b>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Dresses; Tops for figure control, namely, bodyshapers

U.S. Application No.	86461413	Application Date	11/21/2014
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	SLENDERSUIT		
Design Mark	<b>SLENDERSUIT</b>		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Dresses; Tops for figure control, namely, body shapers		

U.S. Registration No.	3935408	Application Date	12/09/2009
Registration Date	03/22/2011	Foreign Priority Date	NONE
Word Mark	SLENDERBODY		
Design Mark	<b>SLENDERBODY</b>		

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2011/01/05 First Use In Commerce: 2011/01/05 Jeans

U.S. Registration No.	4246876	Application Date	07/01/2011
Registration Date	11/20/2012	Foreign Priority Date	NONE

Word Mark	SLENDER TECH
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 025. First use: First Use: 2012/09/26 First Use In Commerce: 2012/09/26 Swimwear
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Attachments	76422081#TMSN.png( bytes ) 76579207#TMSN.png( bytes ) 86461253#TMSN.png( bytes ) 86461413#TMSN.png( bytes ) 77889380#TMSN.png( bytes ) 85361743#TMSN.png( bytes ) Slender Solutions_Notice of Opposition_03-16-2016.pdf(51677 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Andrew B. Katz/
Name	Andrew B. Katz
Date	03/16/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 86/679575  
Filed: June 30, 2015  
For the Mark: Slender Solutions  
Published in the Official Gazette of November 17, 2015

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A & H Sportswear Co., Inc.  
a Pennsylvania Corporation,

Opposer,

v.

SH Brand Holdings, LLC  
a New York Limited Liability Company,

Applicant.

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Opposition No. \_\_\_\_\_

**NOTICE OF OPPOSITION**

A & H Sportswear Co., Inc., a Pennsylvania Corporation with a principal address of 110 Commerce Way, Stockertown, Pennsylvania 18083 ("A & H" or "Opposer") believes that it will be damaged by registration of the mark SLENDER SOLUTIONS ("the Opposed Mark") shown in Application Serial No. 86/679575 ("the Application") filed June 30, 2015 by SH Brand Holdings LLC ("Applicant") having the last known address of 1412 Broadway, New York, New York 10018 for the goods described in International Class 025, namely: "Apparel, namely, pants, shorts, shirts, blouses, sweaters, blazers, coats, dresses, jackets, jeans, skirts, slacks, footwear" (collectively "Applicant's goods"). Accordingly, A & H hereby opposes registration of the Opposed Mark in International Class 025.

As grounds for opposition, Opposer alleges as follows:

1. In 1995, A & H began using the mark SLENDERSUIT in connection with swimsuits. Since then, A&H has adopted several other Slender-formative marks covering

swimwear in International Class 025. Many of these marks which form A & H's family of "SLENDER" marks are registered with (or have received a Notice of Allowance from) the United States Patent and Trademark Office in International Class 025 as set forth in the table below.

<b>Mark</b>	<b>Registration No. or Serial No.</b>	<b>Identification of Goods</b>
Slendersuit	1,933,826	Swimsuits
Slenderbody	3,087,945	Women's, children's and men's leotards; dancewear, namely, tights and unitards; bodywear, namely, body shapers, bodysuits; swimwear; uniforms, active sportswear, namely, shirts, skirts, shorts, pants, leggings, blouses, tops, unitards and undergarments for golfing, skiing, tennis, mountain climbing, kayaking, walking, running, biking and basketball
Look Slender in Seconds	3,402,233	Swimwear; shapewear, namely, bodysuits, bodyslips and girdles.
Slenderbody	86/461,253	Dresses; Tops for figure control, namely, bodyshapers
Slendersuit	86/461,413	Dresses; Tops for figure control, namely, body shapers
Slenderbody	3,935,408	Jeans
Slender Tech	4,246,876	swimwear

2. All of the Marks listed in the table of Paragraph 1 are valid and subsisting. Further, the marks SLENDERSUIT, SLENDERBODY and LOOK SLENDER IN SECONDS are incontestable for a variety of apparel products.

3. Further, in 1994, A & H began prominently using the term "SLENDERTEX" in connection with fabric sold as a component of swimwear and leotards. A&H received a federal

registration for its mark SLENDERTEX in 1995 as set forth in U.S. Registration No. 1910773 which is now incontestable. (Collectively, SLENDERTEX and all of the marks listed in paragraph 1 are hereinafter referred to as the "Slender Marks").

4. All of the Slender Marks are currently being used in commerce and have been used continuously in commerce since they were first adopted.

5. A & H has taken great care to register and protect its rights in the Slender Marks in the United States. These Marks have been used long and continuously throughout the United States and have been the subject of extensive advertising and promotion. Because of this, and because of the superior quality of such merchandise bearing the Slender Marks, the Marks have become well known and famous. Gross sales of swimsuits sold under the Slender Marks are well over \$10 million annually.

6. A & H has invested a substantial sum of money in promoting the Slender Marks.

7. The goods in Applicant's description of goods for the Opposed Mark are identical to the goods offered by A & H and would be found in the same channels of trade.

8. A & H's apparel marketed under the SLENDERSUIT and SLENDERBODY marks are extremely well known in the industry, nationwide and throughout the entire world.

9. The dates of first use of the Slender Marks precede any date on which Applicant may rely to support its application for registration in International Class 025.

10. The mark Applicant seeks to register is confusingly similar to A & H's family of Slender Marks and would likely be confused as being part of the family.

11. On information and belief, A & H's goods and Applicant's goods are capable of sale to and use by the same class of purchasers.

12. On information and belief, A & H's goods and Applicant's goods would be

found in the same channels of trade.

13. The use and registration by Applicant of the designation Slender Solutions in International Class 025 will enable Applicant to use and trade on the goodwill established by Opposer.

14. The use and registration by Applicant of the designation Slender Solutions in International Class 025 will dilute, blur and erode the distinctiveness of Opposer's famous Slender Marks.

15. Opposer believes and alleges that Applicant's mark when applied to apparel is likely to cause confusion or mistake or to deceive, and will deceive and mislead the trade and purchasing public into believing that Applicant's goods are the goods of A& H, or that Applicant's goods are sponsored, approved or endorsed by A & H, or that Applicant is affiliated with A & H, or that Applicant is in some way related to A&H.

16. By reason of the foregoing facts, Opposer will be damaged by the registration of Applicant's confusingly similar mark in International Class 025.

WHEREFORE, Opposer prays that this opposition be sustained and that the registration sought by Application Serial No. 86/679575 in International Class 025 be denied.

Opposer appoints the following as its attorney with full power of substitution, association and revocation in the above-entitled opposition to prosecute same and to transact all business in the United States Patent and Trademark Office in connection with said opposition:

Andrew B. Katz, Esq.  
Lisa P. London, Esq.  
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Respectfully submitted,

BELLES KATZ LLC



Andrew B. Katz  
U.S.P.T.O. Registration No. 34,200

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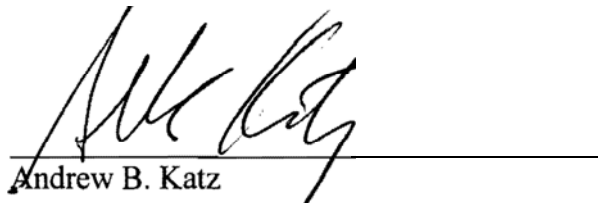
ATTORNEY FOR A & H SPORTSWEAR CO., INC.

Dated: March 16, 2016

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 16th day of March, 2016 a true and correct copy of the foregoing Notice of Opposition (along with this Certificate of Service) was sent by first class mail, postage pre-paid to the United States agent for Applicant, SH Brand Holdings, LLC. at the following address:

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Andrew B. Katz